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Attorneys for Defendant  
Monterey Transfer & Storage, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT - SAN JOSE DIVISION

RHONDA FARRAH,  
Plaintiff

v.

MONTEREY TRANSFER & STORAGE,  
INC., a California corporation,  
Defendant.

Case No.: Case No. C07-06044 JW

Complaint filed: 11/29/07

[PROPOSED] ORDER GRANTING  
MOTION TO DISMISS  
(FRCP 12(b)(1) and 12(b)(6).)

DATE: April 7, 2008  
TIME: 9:00 a.m.  
COURTROOM: 8

The motion of defendant MONTEREY TRANSFER & STORAGE, INC., to dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure came on regularly for consideration before this Court on April 7, 2008.

After considering the moving papers, all other matters presented to the Court, and applicable law, the Court finds:

1. That the facts and claims alleged by plaintiff Rhonda Farrah are not based upon facts which support the jurisdiction of the Federal Court, based upon acts and events which occurred during interstate transit. This court therefore lacks subject matter jurisdiction over the action.

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1           2. That the facts and claims alleged by plaintiff Rhonda Farrah do not state a  
2 claim for which relief may be granted.

3           IT IS SO ORDERED AND ADJUDGED that the claim of RHONDA  
4 FARRAH be dismissed pursuant to the provisions of Rule 12(b)(1) of the Federal Rules  
5 of Civil Procedure, as this court lacks subject matter jurisdiction over plaintiff's claim.

6           IT IS FURTHER SO ORDERED AND ADJUDGED that the claim of  
7 RHONDA FARRAH be dismissed pursuant to the provisions of Rule 12(b)(6) of the  
8 Federal Rules of Civil Procedure, as plaintiff has asserted no federal claim for which relief  
9 may be granted.

10           Defendant MONTEREY TRANSFER & STORAGE, INC. shall recover its  
11 costs.

12  
13 Dated: April , 2008

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14 Honorable James Ware  
15 United States District Judge  
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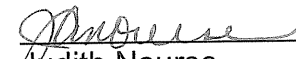
PROOF OF SERVICE  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21550 Oxnard Street, Main Plaza, Suite 200, Woodland Hills, California.

On 3rd of April 08, I served the foregoing document described as:  
**PROPOSED ORDER ON MOTION TO DISMISS UNDER RULE 12(b)(1) and 12(b)(6) OF FEDERAL RULES OF CIVIL PROCEDURE**  
on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

- ☒ (BY MAIL) I am familiar with the ordinary business practice of the law firm of Stone, Rosenblatt & Cha for collection and processing of correspondence for mailing with the United States Postal Service at the aforementioned place of business and that the above-entitled document was placed in a sealed envelope and deposited for collection and mailing on the date stated above, following such ordinary practices, and in such manner as to cause it to be deposited with the United States Postal Service that same day, with postage thereon fully prepaid, in the ordinary course of business, addressed as indicated above.
- ☒ (BY E-MAIL) I caused such document to be e-mailed to the addressee.
- ☐ (BY FACSIMILE TRANSMISSION) I caused such document to be faxed to the addressee.
- ☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
- ☐ (BY EXPRESS MAIL, CCP 1013(c,d) I caused such envelope with postage thereon fully prepaid to be placed in the box regularly maintained by the express service carrier, Federal Express, at 21550 Oxnard Street, Suite 200, Woodland Hills, California, copies of the routing slips attached hereto.
- ☒ Executed on 3rd of April 08 at Woodland Hills, California.
- ☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Judith Nourse

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